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<p align="center">State Bar Court of California Hearing Department Los Angeles ACTUAL SUSPENSION</p>		
<p>Counsel For The State Bar</p> <p>Kimberly G. Anderson, SBN 150359 Senior Trial Counsel Elizabeth Gonzalez, SBN 256839 Deputy Trial Counsel 1149 S. Hill Street Los Angeles, CA 90015 (213) 765-1083</p> <p>Bar #</p>	<p>Case Number(s): 11-O-18560-RAP 11-O-18561 11-O-18692 12-O-10136 12-O-11128 12-O-10038</p>	<p>For Court use only</p> <p align="center">FILED</p> <p align="center">DEC 04 2012 <i>[Signature]</i></p> <p align="center">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>Counsel For Respondent</p> <p>Elizabet Rodriguez 1327 N. Main St. Santa Ana, CA 92701 (714) 862-1835</p> <p>Bar # 242979</p>	<p align="center">PUBLIC MATTER</p>	
<p>In the Matter of: Juan J. Gonzalez</p> <p>Bar # 243647</p> <p>A Member of the State Bar of California (Respondent)</p>	<p>Submitted to: Settlement Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted June 19, 2006.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 21 pages, not including the order.

(Effective January 1, 2011)

Actual Suspension



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- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
 - ☐ Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.
 - ☒ Costs are to be paid in equal amounts prior to February 1 for the following membership years: three (3) billing cycles following the effective date of the Supreme Court order.. (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
 - ☐ Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - ☐ Costs are entirely waived.

B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.

- (1) ☐ Prior record of discipline [see standard 1.2(f)]
 - (a) ☐ State Bar Court case # of prior case
 - (b) ☐ Date prior discipline effective
 - (c) ☐ Rules of Professional Conduct/ State Bar Act violations:
 - (d) ☐ Degree of prior discipline
 - (e) ☐ If Respondent has two or more incidents of prior discipline, use space provided below.
- (2) ☐ Dishonesty: Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) ☐ Trust Violation: Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) ☒ Harm: Respondent's misconduct harmed significantly a client, the public or the administration of justice. See Stipulation Attachment at page 18.

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- (5) ☒ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct. See Stipulation Attachment at page 18.
- (6) ☐ **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) ☒ **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. See Stipulation Attachment at page 18.
- (8) ☐ **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.

- (1) ☐ **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) ☐ **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) ☐ **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) ☐ **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) ☐ **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) ☐ **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) ☐ **Good Faith:** Respondent acted in good faith.
- (8) ☐ **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9) ☐ **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) ☐ **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) ☐ **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.

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(12) ☐ **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.

(13) ☒ **No mitigating circumstances** are involved.

Additional mitigating circumstances:

D. Discipline:

(1) ☒ **Stayed Suspension:**

(a) ☒ Respondent must be suspended from the practice of law for a period of two (2) years.

i. ☐ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii) Standards for Attorney Sanctions for Professional Misconduct.

ii. ☐ and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.

iii. ☐ and until Respondent does the following:

(b) ☒ The above-referenced suspension is stayed.

(2) ☒ **Probation:**

Respondent must be placed on probation for a period of three (3) years, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)

(3) ☒ **Actual Suspension:**

(a) ☒ Respondent must be actually suspended from the practice of law in the State of California for a period of two (2) years.

i. ☒ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct

ii. ☐ and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.

iii. ☐ and until Respondent does the following:

E. Additional Conditions of Probation:

(1) ☐ If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in the general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.

(2) ☒ During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.

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- (3) ☒ Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4) ☒ Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) ☒ Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (6) ☐ Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7) ☒ Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8) ☒ Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
- ☐ No Ethics School recommended. Reason: .
- (9) ☐ Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) ☒ The following conditions are attached hereto and incorporated:
- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input checked="" type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

- (1) ☒ **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without**

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further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.

☐ No MPRE recommended. Reason:

- (2) ☒ **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3) ☐ **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) ☐ **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5) ☐ **Other Conditions:**

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In the Matter of: Juan J. Gonzalez	Case Number(s): 11-O-18560-RAP, 11-O-18561, 11-O-18692, 12-O-10136, 12-O-11128 and 12-O-10038
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Financial Conditions

a. Restitution

- ☒ Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From
Rivemar and Esperanza Garcia	\$2,500.00	September 15, 2011
Sanford Kassel	\$3,825.00	May 3, 2011
Antonio and Magdalena Medina	\$4,900	July 27, 2010

- ☐ Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than

b. Installment Restitution Payments

- ☒ Respondent must pay the above-referenced restitution on the payment schedule set forth below. Respondent must provide satisfactory proof of payment to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation. No later than 30 days prior to the expiration of the period of probation (or period of reprobation), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

Payee/CSF (as applicable)	Minimum Payment Amount	Payment Frequency
Rivemar and Esperanza Garcia	\$333.00	Quarterly with each quarterly probation report.
Sanford Kassel	\$333.00	Quarterly with each quarterly probation report.
Antonio and Magdalena Medina	\$333.00	Quarterly with each quarterly probation report.

- ☒ If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

c. Client Funds Certificate

(Effective January 1, 2011)

Financial Conditions

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- ☐ 1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation, certifying that:
- a. Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";

b. Respondent has kept and maintained the following:

- i. A written ledger for each client on whose behalf funds are held that sets forth:
 1. the name of such client;
 2. the date, amount and source of all funds received on behalf of such client;
 3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
 4. the current balance for such client.
- ii. a written journal for each client trust fund account that sets forth:
 1. the name of such account;
 2. the date, amount and client affected by each debit and credit; and,
 3. the current balance in such account.
- iii. all bank statements and cancelled checks for each client trust account; and,
- iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.

c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:

- i. each item of security and property held;
- ii. the person on whose behalf the security or property is held;
- iii. the date of receipt of the security or property;
- iv. the date of distribution of the security or property; and,
- v. the person to whom the security or property was distributed.

2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.

3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

d. Client Trust Accounting School

- ☒ Within one (1) year of the effective date of the discipline herein, Respondent must supply to the Office of Probation satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: Juan J. Gonzalez

CASE NUMBER(S): 11-O-18560-RAP, 11-O-18561, 11-O-18692, 12-O-10136,
12-O-11128, 12-O-10038

FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the following facts are true and that he is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

Case No. 11-O-18560 (Complainant: Judith Ramos)

FACTS:

1. On January 26, 2011, Judith Ramos ("Ramos") hired Respondent to represent her by filing a family petition to obtain her residency in an immigration matter based upon her husband's residency status in the United States. At the time she hired Respondent, Ramos' petition would have been premature and she would not have been entitled to residency.

2. On January 26, 2011, Ramos paid Respondent \$1,000 in advanced fees.

3. On March 23, 2011, Ramos paid Respondent \$315 in advanced fees.

4. In or about May or June 2011, Ramos made an appointment to meet with Respondent to discuss the status of her case with him. Respondent did not appear for the meeting, and Ramos instead met with Arturo Zavala ("Zavala"), a non-attorney employed by Respondent. Zavala told Ramos that he would be the one handling her case. Zavala also expressed the legal opinion that there was no work that Respondent could do for Ramos, and that Zavala was not sure why Respondent had agreed to take Ramos' case. During the meeting in or about May or June 2011, Ramos terminated Respondent's services and demanded that Zavala and Respondent refund her money. Zavala told Ramos that she was not entitled to a refund.

5. On February 18, 2012, Ramos sent Respondent a letter demanding a refund of all unearned fees and demanding the return of her original documents. Respondent received the February 18, 2012 letter, but he did not respond to it.

6. Respondent did not earn any portion of the \$1,315 in fees Ramos advanced to him because he did not do any work for her.

7. Respondent did not refund the \$1,315 in advanced fees to Ramos until June 26, 2012.

CONCLUSIONS OF LAW:

8. By permitting non-attorney Zavala to provide legal advice to Ramos, and by permitting Zavala to address issues of termination of Respondent's attorney-client relationship with Ramos, Respondent aided a person or entity in the unauthorized practice of law in willful violation of Rules of Professional Conduct, rule 1-300(A).

9. By failing to refund the \$1,315 in advanced fees to Ramos at any time between in or about May or June 2011 and June 26, 2012, Respondent failed to refund promptly any part of a fee paid in advance that has not been earned.

Case No. 11-O-18561 (Complainant: Lila Duarte)

FACTS:

10. On June 20, 2011, Lila Duarte ("Duarte") hired Respondent to represent her in a Chapter 7 bankruptcy case. Duarte did not meet with Respondent, but met with Eduardo Angulo ("Eduardo"), a non-attorney employed by Respondent. Eduardo represented to Duarte that he would file the necessary paperwork in her bankruptcy case to postpone the foreclosure date to prevent her from losing her real property to foreclosure while she was attempting to complete a short sale of the real property. Filing a Chapter 7 bankruptcy case would not, as a matter of law, prevent Duarte from losing her real property. Duarte did not qualify for a Chapter 13 bankruptcy, which would have permitted Duarte to keep her properties.

11. Respondent permitted Duarte to meet with Eduardo, Respondent did not supervise Eduardo and he permitted Eduardo to give legal advice to Duarte.

CONCLUSIONS OF LAW:

12. By failing to supervise Eduardo, and by permitting Eduardo to give legal advice to Duarte about her bankruptcy, Respondent aided a person or entity in the unauthorized practice of law in willful violation of Rules of Professional Conduct, rule 1-300(A).

Case No. 11-O-18692 (Complainant: Rivemar and Esperanza Garcia)

FACTS:

13. On October 8, 2009, Rivemar Garcia and Esperanza Garcia ("the Garcias") hired Respondent to defend them and their business, Garcia's Bakery, against a worker's compensation claim filed against them by a former employee in the case entitled *Matilde Garcia v. Rivemar Garcia, et. al.*, Worker's Compensation Appeals Board Case Nos. ADJ7044707 and ADJ7044797.

14. On October 8, 2009, the Garcias paid Respondent \$2,500 in advanced fees.

15. On August 31, 2011, Respondent sent another attorney, Bryn Deb, to make a special appearance at the Mandatory Settlement Conference on behalf of the Garcias. The case was set for trial on November 1, 2011.

16. On September 15, 2011, Respondent sent the Garcias a letter terminating his services prior to the November 1, 2011 trial date. Respondent did not take reasonable steps to avoid foreseeable prejudice to the Garcias.

17. Respondent did not earn any portion of the \$2,500 in advanced fees paid to him by the Garcias because he did not perform any services of value to them.

18. To date, Respondent has failed to refund the unearned advanced fees to the Garcias.

19. Respondent did not at any time after termination provide the Garcias with an accounting for the \$2,500 advanced fees.

CONCLUSIONS OF LAW:

20. By terminating his representation of the Garcias on September 15, 2011 shortly before the November 1, 2011 trial date, Respondent failed, upon termination of employment, to take reasonable steps to avoid reasonably foreseeable prejudice to his client in willful violation of Rules of Professional Conduct, rule 3-700(A)(2).

21. By failing to refund the unearned fees at any time from the time he terminated his employment on September 15, 2011 and the present, Respondent failed to refund promptly any part of a fee paid in advance that has not been earned in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

22. By failing to provide the Garcias with an accounting for the \$2,500 in advanced fees upon termination of his employment, Respondent failed to render appropriate accounts to a client regarding all funds coming into Respondent's possession in willful violation of Rules of Professional Conduct, rule 4-100(B)(3).

Case No. 12-O-10136 (Complainant: Guadalupe Espinoza)

FACTS:

23. On March 2, 2011, Guadalupe Espinoza ("Espinoza"), an elderly woman, hired Respondent to defend her in pending litigation, to attempt to clear up title issues on real property which was the subject of the pending litigation, to substitute into the litigation in place of Espinoza's former attorney, Michael O'Brien ("O'Brien"), to prepare a power of attorney authorizing Espinoza's son, Carlos Espinoza ("Carlos"), to handle all litigation matters on Espinoza's behalf, and to obtain a refund of attorneys' fees Espinoza had paid to O'Brien.

25. On March 2, 2011, Espinoza paid Respondent \$2,500 in advanced fees.

26. On March 2, 2011, Respondent prepared a one-page power of attorney, which was signed by Espinoza, which stated,

"I, the undersigned, do hereby authorize my son Carlos Espinoza to act as my attorneys (sic) in fact in order to handle any and all matters related to or in connection with the retainer signed on March 2, 2011 with attorney J.J. Gonzalez and The Gonzalez Law Group, PLC."

"Executed this 2nd day of March, 2011 in the city of Riverside, California."

27. Respondent knew and agreed, that since Espinoza was elderly, communications were to be made through Carlos pursuant to the power of attorney.

28. Respondent did not do any other work and he did not perform any other services of value for Espinoza. Respondent did not substitute into the litigation in place of O'Brien and on behalf of Espinoza or attempt to obtain a refund of attorney's fees from O'Brien.

29. Between in or about May 2011 and in or about June 2011, Carlos made repeated telephone calls to Respondent requesting status updates on Espinoza's case. Respondent received the telephone messages but did not return any of Carlos' telephone calls and did not provide Carlos with any status reports about Espinoza's case.

30. On June 2, 2011, Carlos emailed Respondent asking for a status update. Respondent received the email, but he did not respond to it.

31. On June 8, 2011, Carlos emailed Respondent asking for a status update. Respondent received the email.

32. On June 8, 2011, Respondent and Carlos spoke on the telephone and Respondent promised to call Carlos back with a status update in a few hours. Respondent did not call Carlos back as he had promised.

33. On June 9, 2011, Carlos emailed Respondent asking for a status update. Respondent received the email, but he did not respond to it.

34. On June 16, 2011, Carlos emailed Respondent asking for a status update. Respondent received the email and responded to it by acknowledging he would keep in better contact in the future.

35. On June 21, 2011, Carlos emailed Respondent telling him he had received a letter from O'Brien, which he was faxing to Respondent and asking Respondent for direction as he was concerned O'Brien may be continuing to bill Espinoza. Respondent received the email.

36. On June 21, 2011, Respondent emailed Carlos and promised to respond to him as soon as he received the fax.

37. On June 21, 2011, Carlos emailed Respondent to confirm that Respondent had received the fax and requesting a return telephone call and a status update. Respondent received the email, but he did not respond to it and he did not provide a status update.

38. On July 11, 2011, Carlos emailed Respondent asking for a status update. Respondent received the email, but he did not respond to it.

39. On July 26, 2011, Carlos emailed Respondent terminating him, demanding a refund of the unearned fees and demanding the client file. Respondent received the email.

40. On July 26, 2011, Respondent emailed Carlos and promised to refund the unearned fees and return the client file, but then he failed to refund the unearned fees and client file as promised.

41. Respondent did not earn any of the fees because he did not provide any services of value to Espinoza.

42. Respondent did not return the \$2,500 in unearned fees to Carlos and Espinoza until after March 6, 2012, and only after Respondent had become aware that the State Bar was investigating his handling of Espinoza's case. To date, Respondent has not provided an accounting for the fees.

CONCLUSIONS OF LAW:

43. By failing to substitute into the litigation, by failing to attempt to obtain a refund in attorney's fees from O'Brien, and by failing to perform any services of value for Espinoza between March 2011 and July 26, 2011, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).

44. By failing to respond to Carlos' telephone calls and emails requesting status updates in Espinoza's case between May 2011 and July 26, 2011, Respondent failed to respond promptly to reasonable status inquiries of a client in a matter in which Respondent had agreed to provide legal services in willful violation of Business and Professions Code, section 6068(m).

45. By failing to provide Espinoza's client file to her at any time between July 26, 2011 and the present, Respondent failed to release promptly, upon termination of employment, to the client, at the request of the client, all the client papers and property in willful violation of Rules of Professional Conduct, rule 3-700(D)(1).

46. By failing to refund the unearned fees to Espinoza at any time between July 26, 2011 and March 6, 2012, Respondent failed to refund promptly any part of a fee paid in advance that has not been earned in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

47. By failing to account for the \$2,500 in advanced fees at any time between July 26, 2011 and the present, Respondent failed to render appropriate accounts to a client regarding all funds coming into Respondent's possession in willful violation of Rules of Professional Conduct, rule 4-100(B)(3).

Case No. 12-O-11128 (A State Bar Investigation)

FACTS:

48. At all relevant times herein, the Respondent was the attorney of record for defendants Jose Perez and Magdaleno Gonzales in the case entitled *Christopher Edward Bowman v. Jose Perez, et. al.*, Los Angeles Superior Court Case No. KC060138.

49. On May 3, 2011, the court ordered Respondent and defendants jointly and severally to pay monetary sanctions in the amount of \$3,825 to the plaintiffs' attorney, Sanford Kassel ("Kassel") within 30 days of the court's order. Respondent had actual knowledge of the court's May 3, 2011 order. Respondent did not pay the \$3,825 sanctions to attorney Kassel.

50. To date, Respondent has failed to pay the monetary sanctions ordered by the court on May 3, 2011. To date, the defendants have not paid the monetary sanctions as ordered by the court.

51. On January 19, 2012, a State Bar Complaint Analyst sent Respondent a letter asking him if he had paid the \$3,825 in monetary sanctions, and for an explanation if he did not pay the sanctions. Respondent received the letter.

52. On March 1, 2012, Respondent sent a letter to the State Bar Complaint Analyst in response to her January 19, 2012 letter. In his March 1, 2012 letter, Respondent stated, "On September 22, 2011, I filed for Bankruptcy and intend to have this debt discharged with my Bankruptcy. Attached you will find confirmation that I filed for Bankruptcy on September 22, 2011." Respondent's statement was false and misleading. Although Respondent had filed for bankruptcy on or about September 22, 2011, he knew his bankruptcy petition was dismissed on November 21, 2011 because he had failed to appear for a Meeting of Creditors.

CONCLUSIONS OF LAW:

53. By failing to comply with the court's May 3, 2011 order to pay the \$3,825 in monetary sanctions to attorney Kassel, Respondent disobeyed or violated an order of the court requiring him to do or forbear an act connected with or in the course of Respondent's profession which he ought in good faith to do or forbear in willful violation of Business and Professions Code, section 6103.

54. By knowingly sending the March 1, 2012 letter to the State Bar Complaint Analyst falsely representing that he had a pending bankruptcy case when he knew he did not have a pending bankruptcy case, Respondent committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

Case No. 12-O-10038 (Complainant: Antonio and Magdalena Medina)

FACTS:

55. On February 24, 2010, Antonio and Magdalena Medina ("the Medinas") hired Respondent to complete a loan modification for their home secured by their residential real property. During the initial consultation, the Medinas met with a non-attorney named Marco, who was employed by Respondent at all relevant times. Marco also told the Medinas they could file for bankruptcy to delay

foreclosure upon their home. Respondent did not meet with the Medinas personally at any time during the loan modification process, nor did he supervise Marco or the other non-attorneys in his office with respect to the handling of the Medinas' loan modification.

56. On February 24, 2010, the Medinas paid Respondent \$1,500 in advanced fees for the loan modification.

57. Respondent did not provide the Medinas, prior to entering into the fee agreement, with the following statement:

It is not necessary to pay a third party to arrange for a loan modification or other form of forbearance from your mortgage lender or servicer. You may call your lender directly to ask for a change in your loan terms. Nonprofit housing counseling agencies also offer these and other forms of borrower assistance free of charge. A list of nonprofit housing counseling agencies approved by the United States Department of Housing and Urban Development (HUD) is available from your local HUD office or by visiting www.hud.gov.

58. On March 11, 2010, the Medinas paid Respondent \$1,000 in advanced fees for the loan modification. Respondent did not fully perform each and every service he had contracted to perform or represented that he would perform for the Medinas, prior to demanding, charging, collecting or receiving any fees.

59. On March 29, 2010, Respondent filed a Chapter 7 bankruptcy petition on behalf of Antonio Medina in the case entitled *In re Antonio Muniz, Debtor*, United States Bankruptcy Case No. 6:10-bk-18917 ("the bankruptcy case").

60. On March 30, 2010, the Medinas paid Respondent \$400 in advanced fees for the bankruptcy case.

61. On April 20, 2010, the bankruptcy case was dismissed because the Respondent failed to file the required schedules, statements and plan. Respondent knew the bankruptcy had been dismissed.

62. Respondent did not advise the Medinas that they had to file the schedules, statements and plan and he did not advise them that their bankruptcy petition had been dismissed.

63. On April 24, 2010, the Medinas paid Respondent \$1,000 in advanced fees for the loan modification. Respondent did not fully perform each and every service he had contracted to perform or represented that he would perform for the Medinas, prior to demanding, charging, collecting or receiving any fees.

64. On May 19, 2010, the Medinas paid Respondent \$1,000 in advanced fees for the loan modification. Respondent did not fully perform each and every service he had contracted to perform or represented that he would perform for the Medinas, prior to demanding, charging, collecting or receiving any fees.

65. On July 27, 2010, Respondent sent the Medinas a termination letter stating that he was declining to take their case and terminating his representation of them.

66. Respondent performed no services of value for the Medinas and he failed to supervise his non-attorney employees, including but not limited to Marco. Respondent did not attempt to obtain a loan modification for the Medinas.

67. Respondent did not earn any of the advanced fees paid to him by the Medinas because he did not perform any services of value for them.

68. In or about August 2010, and after receiving the termination letter from Respondent, the Medinas went to Respondent's office and asked him for a refund and return of their files. To date, Respondent has not refunded any portion of the \$4,500 in advanced fees paid by the Medinas for the loan modification and to date, Respondent has not refunded any portion of the \$400 in advanced fees paid by the Medinas for the bankruptcy for which he performed no services of value.

69. To date, Respondent has not provided any accounting for the \$4,900 in advanced fees paid to him by the Medinas.

CONCLUSIONS OF LAW:

70. By failing to supervise his non-attorney employees, including but not limited to Marco, by failing to perform any services of value including by failing to take any steps to negotiate a loan modification for the Medinas, and by permitting the bankruptcy case to be dismissed due to his failure to file the required schedules, statements and plan, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).

71. By permitting non-attorney Marco to meet with the Medinas and provide them with legal advice, and by permitting Marco to accept the Medina's case without his supervision, Respondent aided a person or entity in the unauthorized practice of law in willful violation of Rules of Professional Conduct, rule 1-300(A).

72. By failing to advise the Medinas that they had to file the schedules, statements and plan, and by failing to advise them that their bankruptcy petition had been dismissed, Respondent failed to keep a client reasonably informed of significant developments in a matter in which Respondent had agreed to provide legal services in willful violation of Business and Professions Code, section 6068(m).

73. By negotiating, arranging or offering to perform a mortgage loan modification for a fee paid by a borrower in advance of any service and thereafter entering into a fee agreement with the Medinas without providing them, prior to entering into the agreement, the separate statement in not less than 14-point bold type specifically required in subdivision (a) of Section 2944.6 of the Civil Code, Respondent willfully violated Business and Professions Code, section 6106.3.

74. By negotiating, arranging or offering to perform a mortgage loan modification for a fee paid by a borrower, and demanding, charging, collecting and receiving fees from the Medinas prior to fully performing each and every service he had contracted to perform or represented that he would perform, in violation of subdivision (a)(1) of Section 2944.7 of the Civil Code, Respondent willfully violated Business and Professions Code, section 6106.3.

74. By failing to refund the \$4,900 in unearned advanced fees at any time from August 2010 to the present, Respondent failed to refund promptly any part of a fee paid in advance that has not been earned in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

75. By failing to provide the Medinas with an accounting for the \$4,900 in advanced fees at any time from July 27, 2010 to the present, Respondent failed to render appropriate accounts to a client regarding all funds coming into Respondent's possession in willful violation of Rules of Professional Conduct, rule 4-100(B)(3).

ADDITIONAL FACTS RE AGGRAVATING CIRCUMSTANCES.

Harm: Respondent's conduct has significantly harmed some of his clients. Ramos was deprived of the return of her unearned fees between February 18, 2012 and June 26, 2012. The Garcias have been deprived of the return of their unearned fees to the present. Espinoza was deprived of the return of her unearned fees between July 26, 2011 and March 6, 2012. Respondent has not paid the sanctions owed to Kassell from May 3, 2011 to the present. The Medinas have been deprived of their funds from July 27, 2010 to the present. (Standard 1.2(b)(iv).)

Indifference: Respondent has failed to refund unearned fees to the Garcias and the Medinas to the present date, and Respondent has failed to pay the sanctions to Kassell to date. (Standard 1.2(b)(v).) Failure to pay restitution and sanctions demonstrates indifference toward rectification of or atonement for the consequences of the misconduct. (See, *In the Matter of Blum* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 170, 177; *In the Matter of McKiernan* (Review Dept. 1995) 3 Cal. State Bar Ct. Rptr. 420, 427.)

Multiple/Pattern of Misconduct: Respondent's actions amount to multiple acts of misconduct involving 5 client matters and 1 State Bar Investigation matter. He committed 20 separate acts of misconduct over an approximate two-year time period. (Standard 1.2(b)(ii).) Respondent's acts did not amount to a pattern of misconduct. (See, *Young v. State Bar* (1990) 50 Cal.3d 1204, concluding that a finding of a pattern is reserved for serious misconduct over a prolonged period of time.)

AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct provide a "process of fixing discipline" pursuant to a set of written principles to "better discharge the purposes of attorney discipline as announced by the Supreme Court." (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, Introduction (all further references to standards are to this source).) The primary purposes of disciplinary proceedings and of the sanctions imposed are "the protection of the public, the courts and the legal profession; the maintenance of high professional standards by attorneys and the preservation of public confidence in the legal profession." (*In re Morse* (1995) 11 Cal.4th 184, 205; std 1.3.)

Although not binding, the standards are entitled to "great weight" and should be followed "whenever possible" in determining level of discipline. (*In re Silvertown* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) Any discipline recommendation different from

that set forth in the applicable standards should clearly explain the reasons for the deviation. (*Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

Respondent admits to committing 20 acts of professional misconduct. Standard 1.6 (a) requires that where a Respondent acknowledges two or more acts of misconduct, and different sanctions are prescribed by the standards that apply to those acts, the sanction imposed shall be the more or most severe prescribed in the applicable standards.

The genesis of Respondent's misconduct involved failing to perform competent legal services for clients, failing to refund unearned fees and permitting non-attorneys to engage in the unauthorized practice of law.

Standard 2.10 is applicable to aiding the unauthorized practice of law. It states:

Culpability of a member of a violation of any provision of the Business and Professions Code not specified in these standards or a willful violation of any Rule of Professional Conduct not specified in these standards shall result in reproof or suspension according to the gravity of the offense, or the harm, if any, to the victim, with due regard to the purposes of imposing discipline set forth in standard 1.3.

Moreover, Standard 2.3 requires actual suspension or disbarment, depending upon the extent to which the victim of the misconduct is harmed or misled, and depending upon the magnitude of the act of misconduct and the degree to which it relates to the member's acts within the practice of law.

Here Respondent's offenses include 20 acts of misconduct in six matters in a variety of different types of cases and in which in some cases, already financially distressed clients were harmed by the deprivation of their funds for no work done on their behalf. Respondent still has not paid restitution in three of those matters. Moreover, in three of the cases Respondent allowed non-attorneys to engage in the unauthorized practice of law. Respondent has committed one act of moral turpitude. So, the gravity of Respondent's offenses is significant and those offenses have significantly harmed his clients. The range of Respondent's misconduct, the aggravating factors and the lack of mitigating factors, calls for a significant period of actual suspension in order to protect the public, the courts and the legal profession and to preserve the public's confidence in the legal profession.

Accordingly a two-year actual suspension with conditions that encourage Respondent's rehabilitation, serves the purposes of imposing discipline.

PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(7), was November 14, 2012.

DISMISSALS.

The parties respectfully request the Court to dismiss the following alleged violations in the interest of justice:

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
11-O-18560	One	Rule 3-110(A), Rules of Professional Conduct
11-O-18560	Two	Business and Professions Code, Section 6068(m)
11-O-18560	Three	Rule 3-700(D)(1), Rules of Professional Conduct
11-O-18560	Five	Rule 4-100(B)(3), Rules of Professional Conduct
11-O-18561	Six	Rule 3-110(A), Rules of Professional Conduct

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of November 14, 2012, the prosecution costs in this matter are approximately \$11,693.92. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

(Do not write above this line.)

In the Matter of: Juan J. Gonzalez	Case number(s): 11-O-18560-RAP, 11-O-18561, 11-O-18692, 12-O-10136, 12-O-11128 and 12-O-10038
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SIGNATURE OF THE PARTIES

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts, Conclusions of Law, and Disposition.

11-14-12

Date

Respondent's Signature

Juan J. Gonzalez

Print Name

11/14/12

Date

Respondent's Counsel Signature

Elizabeth Rodriguez

Print Name

11/14/12

Date

Deputy Trial Counsel's Signature

KIMBERLY G. ANDERSON

Print Name

(Do not write above this line.)

In the Matter of: Juan J. Gonzalez	Case Number(s): 11-O-18560-RAP, 11-O-18561, 11-O-18692, 12-O-10136, 12-O-11128 and 12-O-10038
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ACTUAL SUSPENSION ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- ☐ The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- ☒ The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- ☐ All Hearing dates are vacated.
1. On p. 2, (8) Payment of Disciplinary Costs – After “billing cycles,” insert the years “(2014, 2015 and 2016).”
 2. On p. 11, at the end of paragraph 9 – Insert “in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).”
 3. On p. 20, add to the Dismissals – case No. 11-O-18692; count 23; Rule 1-300(A), Rules of Professional Conduct.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 5.58(E) & (F), Rules of Procedure.) The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)

Date

12/3/12

Judge of the State Bar Court



DONALD F. MILES

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on December 4, 2012, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND
ORDER APPROVING

in a sealed envelope for collection and mailing on that date as follows:

- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

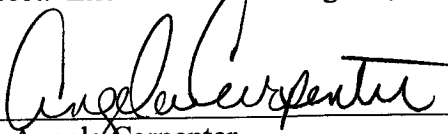
ELIZABETH RODRIGUEZ
1327 N. MAIN STREET
SANTA ANA, CA 92701

JUAN J. GONZALEZ
THE GONZALEZ LAW GROUP PLC
1327 N. MAIN STREET
SANTA ANA, CA 92701

- ☒ by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

KIMBERLY ANDERSON, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on December 4, 2012.



Angela Carpenter
Case Administrator
State Bar Court